

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6338 of 1998

WITH

SPECIAL CIVIL APPLICATION No 6339 of 1998

WITH

SPECIAL CIVIL APPLICATION No 6340 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PRAKASH AUTOMOBILES

Versus

MAMLATDAR

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Appearance:

MS PJ DAVAWALA for Petitioner

MR KT DAVE, AGP for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 17/08/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. K.T. Dave,  
learned A.G.P. for the respondents.

2. On 6/8/1998 following order was passed :-

"Heard Ms. Parinda J. Davawala, learned advocate appearing for the petitioner in each of the matters.

2. Notice to the respondents returnable on 17th August, 1998. Ms. Davawala submits that no reasons are given in the order of cancellation of licence, but it is endorsed on the licence that the order has been issued at the instance of the Collector to whom appeal against cancellation lies. In the circumstances, she submits that appeal will be futile. Hence, there will be ad-interim relief in terms of prayer clause 7(d). Direct service is permitted."

3. Heard. Mr. K.T. Dave, Ld. A.G.P. for the respondents submits that the matters can be redirected to the 1st mentioned authority by setting aside that authority's orders. That authority is the Mamlatdar, the respondent no. 1 herein.

4. According to the brief facts appearing in the list of dates and events the petitioners were having valid licences in respect of diesel and running of petrol pumps. The respondent no.1, without affording any opportunity and without assigning any reasons passed impugned order deleting the addition of petrol in the licences. The fact that the petitioners were not heard before the impugned orders were passed by the concerned authority is not in dispute. In that view of the matter it has been submitted on behalf of the respondents that while setting aside the impugned order passed by the respondent no. 1 in each of these matters, the respondent no. 1 might be directed to reconsider the matters and decide the same after hearing the concerned petitioners and after following due procedure of law.

5. In view of what is stated above, the impugned orders passed by the respondent no. 1 are quashed and set aside and respondent no.1, after affording opportunity to the petitioners of being heard, will decide the matters in accordance with law.

Rule made absolute in all the three petitions with no order as to cost.

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**\*\*PVR\*\* sca633898j.**